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November 8, 2007

Via Facsimile and Regular Mail

Alice Yeh
U.S. EPA, Region 2
290 Broadway
New York, New York 10007

Re: FOIA Request No: 02-RIN-01886-07

Dear Alice:

I am writing in reference to the July 31, 2007 FOIA request No. 02-RIN-01886-07 (July 31 Request) relating to the Lower Passaic River Study Area Cooperating Parties Group's (CPG) request for supporting data/documentation relating to EPA's draft Early Action Focused Feasibility Study (FFS).

By way of background, you provided me with a partial response to my request on September 18, 2007. On September 26, 2007, I received an email from you indicating that, due to the breadth of the FOIA request, EPA would require authorization to conduct an extensive file review in order to respond. In order to streamline the process, we informally agreed to a phased approach whereby EPA would respond to the specific items requested under item #3 in the July 31 Request and temporarily suspend work on items #1 and #2 in the July 31 Request.

Via telephone on October 9, and follow-up email dated October 10, you provided me with EPA's responses to the specific requests under item #3. I agreed to consult with the client regarding whether or not any additional information would be needed. The purpose of this letter is to seek clarification on some of EPA's response to the requests in item #3 and to request additional information relating to the July 31 Request.

With respect to item #3:

- For the Empirical Mass Balance Model (EMBM), you identified and/or provided all of the field data used in the EMBM. However, we specifically requested:

Electronic Files used to develop and apply the empirical mass balance model, including all field data (SC EA FFS App. D, Table 4-1), spreadsheets used to process and manipulate field data, model spreadsheets, and any processing of results.

Since we did not receive any documentation of how the data was used, i.e., relating to the portion of the CPG's request underlined above, please confirm that such documentation does not exist.

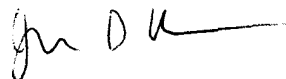
- For the our request relating to the "Survey of Urban Anglers from the Newark Bay Complex – Risk Perception, Knowledge, Consumption, Final Report to U.S. EPA Region 2, Office of Water" you only provided a photocopy of the questionnaire that has a summary of data from the survey. Since we did not receive the Final Report we specifically requested, please confirm that such a report either does not exist or is not available.

Once EPA has finalized a response to the outstanding items set forth above, the CPG would request that EPA respond to Request #1 in the July 31 letter, specifically focusing not on the data, but on the "narrative" on how EPA used the data to develop the FFS. This includes the underlined portion of the request below:

- Any and all documents, including but not limited to, tables, spreadsheets, calculation sheets, reports, data (including raw data packages and data validation reports), figures, maps (including CAD and GIS files), drawings (including CAD files), studies, summaries, memoranda, evaluations and analyses that were considered, relied upon and/or formed the basis for the analysis and conclusions set forth in the FFS Report, excluding the actual Appendices to the FFS Report.

I realize that responding to such a request may require EPA professional staff time and am providing authorization for EPA to move forward with responding to the request at your earliest convenience. It is our understanding from our technical consultants that the requested documentation would be in the possession of EPA's Contractor, Malcolm Pirnie, and would request that EPA initially limit its review to Malcolm Pirnie's files in an attempt to streamline the process and avoid the additional review of EPA's files and the potential production of duplicative records. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Karyllan Dodson Mack